PATENT
Attorney's Docket No. 0026-0043

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of:	)	
	)	
Monika Henzinger et al.	)	**MAIL STOP APPEAL BRIEF - PATENTS**
	)	
Application No.: 10/672,248	)	Group Art Unit: 2176
	)	
Filed: September 29, 2003	)	Examiner: A. Rutledge
	)	
For: IDENTIFICATION OF WEB SITES THAT CONTAIN SESSION IDENTIFIERS	)	

U.S. Patent and Trademark Office
Customer Window, Mail Stop Appeal Brief - Patents
Randolph Building
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REPLY BRIEF UNDER 37 CFR § 41.41

This Reply Brief is submitted in response to the Examiner's Answer, dated January 9, 2008.

I. STATUS OF CLAIMS

Claims 1-8, 10, 12-21, 23-26, and 28-30 are pending in this application.

Claims 1-8, 10, 12-21, 23-26, and 28-30 were finally rejected in the Office Action, dated January 18, 2007, and are the subject of the present appeal. These claims were reproduced in the Claim Appendix of the Appeal Brief, filed October 26, 2007.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 1-8, 10, 12-21, 23-26, and 28-30 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over PCT International Publication Number WO 03/017023 to Galai et al. (hereinafter "GALAI") in view of U.S. Patent No. 6,665,658 to DaCosta et al. (hereinafter "DaCOSTA")..

III. ARGUMENTS

In the "Response to Arguments" section of the Examiner's Answer (pp.13-19), the Examiner merely reiterates many of the allegations that are presented in the "Grounds of Rejection" section of the Examiner's Answer and the final Office Action, dated January 18, 2007. Thus, Appellants' arguments presented in the Appeal brief, filed October 26, 2007, are applicable to those allegations. Appellants submit the following additional remarks.

1. Claims 1-3 and 5-8.

The Examiner alleges that "both Appellant's claim 1 and GALAI disclose methods to compare URLs by downloading and comparing at least two web pages corresponding to the URLs" (Examiner's Answer, p. 14). Appellants disagree with the Examiner's allegation.

Claim 1 recites the feature "receiving at least two different copies of a document associated with a URL." In contrast, GALAI discloses on page 20, lines 10-20:

> Any of the previous embodiments may optionally be implemented with an optional but preferred method according to the present invention for normalizing the URI of the document, such as the URL of a Web page for example. This exemplary method for normalizing the URL is preferably performed in order to index substantially similar Web pages only once. For each URL, each of the parameters is preferably removed. The term 'parameter' refers to any divisible subunit of the URL. The Web page is then retrieved

> again using the reduced URL. This Web page is then compared with the original Web page. (emphasis added)

Thus, GALAI discloses retrieving a first web page with a URL, reducing the URL, and retrieving a second web page with the reduced URL. The reduced URL is a different from the URL used to retrieve the first web page. In fact, the Examiner admits as much by stating "Galai teaches a method of comparing web pages retrieved using two different URLs, to determine the redundant parameters within the URLs, and therefore teaches a method of comparing URLs by downloading web pages" (Examiner's Answer, p. 15). GALAI does not, therefore, disclose or suggest using the same URL to receive at least two copies of a web page. Therefore, GALAI cannot disclose or suggest receiving at least two different copies of a document associated with a URL, as recited in claim 1. DaCOSTA does not overcome this deficiency of GALAI with respect to claim 1.

Therefore, for at least the foregoing reason, claim 1 is patentable over GALAI and DaCOSTA, whether taken alone or in any reasonable combination.

The Examiner also alleges that "While Appellant argues that the comparison function disclosed by Galai 'is based on a comparison of the content of a web page' at p. 10 of the Brief, the Examiner maintains that claim 1 discloses a comparison function based on a comparison of the content of a web page, as detailed in p.14-15 of the Specification, for example" (Examiner's Answer, p. 16).

The Examiner is alleging that "comparison function based on a comparison of the content of a web page" as allegedly disclosed by GALAI is equivalent to "comparison of URLs that are within the document" as recited in claim 1. In fact, this appears to be the Examiner's main argument in attempting to equate the disclosure of GALAI with the features of claim 1.

Appellants respectfully disagree with the Examiner for at least the following reasons.

The Examiner appears to be arguing that "URLs that are within a document" as recited in claim 1, are a type of content within a document, and since GALAI allegedly discloses comparing the content of two documents, GALAI discloses the comparing the URLs within documents. However, using a comparison function to compare two documents would simply not provide the information as to whether any URLs in the documents differ by a certain amount greater than a threshold. Rather, the comparison function of GALAI simply produces a similarity level between the entirety of the documents. This similarity level gives no information about the similarity level about any particular content of the documents. For example, two documents may be identical except for a URL. The similarity level returned by the comparison function of GALAI would return a value indicating a high similarity, yet the URLs present in the two documents may be completely different. Therefore, "comparison function based on a comparison of the content of a web page" cannot be reasonably held to be equivalent to "comparison of URLs that are within the document," as recited in claim 1.

As to DaCOSTA, the Examiner argues that DaCOSTA discloses obtaining session data for a URL (Examiner's Answer, p. 16). The Examiner also argues that storing session data for a web site in either a URL or a cookie was notoriously well known in the art at the time of the invention (Examiner's Answer, p. 16). Appellants submit that these allegations do not address the features of claim 1 and, thus, are insufficient for establishing a *prima facie* case of obviousness with respect to claim 1.

For at least the reasons given above and for at least those reasons given in the Appeal Brief, Appellants respectfully request that the rejection of claims 1-3 and 5-8 under 35 U.S.C. §

103(a) based on GALAI and DaCOSTA is improper. Accordingly, Appellants request that the rejection of claims 1-3 and 5-8 be reversed.

2. Claim 4.

With respect to claim 4, the Examiner is alleging that GALAI teaches that the method of comparing URLs can be applied to any web page in a site (Examiner's Answer, p. 17). As Appellants have pointed out above with respect to claim 1, GALAI does not disclose or suggest a method of comparing URLs. Moreover, claim 4 does not recite web pages that are local to a site. Claim 4 recites URLs that are local to a site. Furthermore, even if, for the sake of argument, it is deemed reasonable that comparing the content of documents as allegedly disclosed by GALAI is equivalent to comparing the URLs that are within documents, a point Appellants in no way concede, GALAI does not disclose or suggest comparing content of documents that is local to a website, as would be required by claim 4 based on the Examiner's interpretation of GALAI. For at least the reasons given above and for at least those reasons given in the Appeal Brief, Appellants respectfully request that the rejection of claim 4 under 35 U.S.C. § 103(a) based on GALAI and DaCOSTA is improper. Accordingly, Appellants request that the rejection of claim 4 be reversed.

3. Claims 10, 13, 14, 21, 24, and 25.

With respect to claims 10, 13, 14, 21, 24, and 25, the Examiner did not provide any arguments in the Examiner's Answer, alleging that Appellants repeat the same arguments as set forth for claim 1 (Examiner's Answer, p. 18).

With respect to claim 10, Appellants additionally submit that neither GALAI nor DaCOSTA disclose or suggest "downloading at least two different copies of at least one document from a web site," as recited in claim 10. Instead, GALAI discloses downloading a document with a URL and downloading another document with a reduced URL, which may or may not be the same document.

Furthermore, GALAI and DaCOSTA also do not disclose or suggest "extracting URLs from two different copies of a web document," as also recited in claim 10.

For at least the reasons given above and for at least those reasons given in the Appeal Brief, Appellants respectfully request that the rejection of claims 10, 13, 14, 21, 24, and 25 under 35 U.S.C. § 103(a) based on GALAI and DaCOSTA is improper. Accordingly, Appellants request that the rejection of claims 10, 13, 14, 21, 24, and 25 be reversed.

IV. CONCLUSION

In view of the foregoing arguments and for at least those arguments presented in the Appeal Brief, Appellants respectfully solicits the Honorable Board to reverse the Examiner's rejections of claims 1-8, 10, 12-21, 23-26, and 28-30 under 35 U.S.C. § 103.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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